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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,854	06/27/2001	Rodrigo Garces	011727-92.00US	3678
20350	7590	03/25/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			GESESSE, TILAHUN	
		ART UNIT		PAPER NUMBER
		2684		11
DATE MAILED: 03/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/894,854	GARCES ET AL.	
	Examiner Tilahun B Gesesse	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 June 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3&9.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kontio et al "Kontio" (6,487,410) in view of Finch et al "Finch" (5,903,846).

As to claim 1, Kontio discloses a wireless communication system (PSTN, PLMN ISDN IN of figure 1a) having mobile subscriber units (dual mode terminals PP/MS and BTS1-3) and a plurality of fixed network device located at cell sites (DECT FP) , a method for acquiring and managing (OMC and MSC) a plurality of communication modes at each subscriber unit (PP/MS) (figures 1a and 1b) comprising: Kontio teaches sensing whether the subscriber unit (RFP1-2 and BS1-3) is static or mobile from the nature and quality of the communication links with nearby network device (column 4, lines 24-39), interfaces using IWU converter to protocol suited to static mode and mobile mode for the subscriber units (column 6, lines 46-column 7, line 7) and interfaces using IWF converter to protocol suited to mobile mode for mobile subscriber unit and static mode for fixed subscriber units (column 6, line 46-column 7 line 7).

Kontio does not expressly enables acquisition protocol. However, Finch discloses polling , setting and detecting link (figure 2) the CPP transmit and receive protocols and data and voice information over the desired RF channel (column 11, lines 64-column 12 line 15). Since, Kontio , in the same field of endeavor, teaches cordless system (DECT). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Kontio and finch in enabling acquisition of protocol , as taught by Finch , in order to operate as wireless radio telephone.

As to claim 2, Kontio dislcoses initiating procedures to change acquisition mode from static mode to mobile mode upon failure of the subscriber unit to sense a pre-selected number of consecutive (column 2, lines 18-35 and figure 3).Kontio does not expressly teach scheduled polling packets sent by a linked device. However, Finch teach polling , setting and detecting link (figure 2). Since, Kontio , in the same field of endeavor, teaches cordless system (DECT). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Kontio and finch in enabling acquisition of protocol , as taught by Finch , in order to operate as wireless radio telephone.

As to claim 3, Kontio discloses initiating procedures to determine whether it is appropriate to change acquisition mode from static mode to mobile mode upon failure to transit a pre-selected numbe of consecutive data packet (column 18-35 and figure 3).

As to claims 4-6,8, Kontio discloses upon decision to change to mobile mode (handover), foregoing node qualification (based on signal strength) and registration

(location set up) of location with a name service (better signal strength) and decision to change to mobile mode, (figure 3).

As to claim 7, Kontio does not expressly teach transmitting synch packet at a higher repetitive and third party query processes. However, Finch discloses polling data and setting up for mobile mode communication (figure 2). Since, Kontio , in the same field of endeavor, teaches cordless system (DECT). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Kontio and finch in enabling acquisition of protocol , as taught by Finch , in order to operate as wireless radio telephone.

As to claim 9, Kontio dislcoses subscriber unit changing its BMC (OMC) of figure 1), causing the subscriber unit to change forwarding packet to its former best mode and updating a new corresponding path to a gateway source (column6, lines 38-column 7, line 7).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schumacher et al (5,841,854) a system and method for automatic call distribution targeting users in workgroup the user utilize either wired or wireless communications (abstract).

Dilworth e al (5,479,400) discloses a micro cellular digital packet communication system for digital communication having plurality of repeating packet mode fixed sited transceivers (abstract).

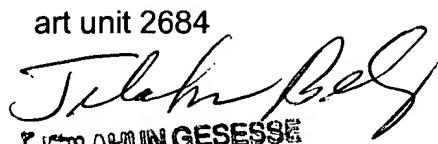
Gaskill (WO96/03010) a receiver operates in both a first polling protocol and in a selectable data acquisition protocol to both conserves power while quickly reading long message in wireless one-way communication systems (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG
March 17, 2004

art unit 2684

TILAHUN GESESSE
PATENT EXAMINER